

Compulsory Attendance Requirements

Arkansas' compulsory school attendance law requires a child's parent/guardian to ensure their child attends school if the child is of compulsory school attendance age. Failure to comply may result in penalties.



1. General Requirement

A child's parent/guardian "shall enroll the child in and ensure the attendance of the child at a public, private, or parochial school or provide a home school for the child" [Ark. Code § 6-18-201](#).

Placing a child in an unconventional learning environment (ULE) may comply with the compulsory school attendance requirement provided the instruction meets the requirements for a (1) private school, (2) parochial school, or (3) homeschool.

2. Compulsory School Attendance Age

The compulsory school attendance requirement applies to a child who has reached the age of 5 and is under 17 years of age as of August 1. [Ark. Code § 6-18-201](#). Children who are not of compulsory school attendance age are not legally required to attend school.

A parent/guardian "may elect for the child not to attend kindergarten if the child will not be six (6) years of age" on August 1 upon filing the state Division of Elementary and Secondary Education's [Kindergarten Waiver Form](#) with the local school district administrative office. [Ark. Code § 6-18-201\(a\)\(1\)\(A\)](#).

3. Private or Parochial School

Enrolling and ensuring a child's attendance at a private or parochial school is another way of complying with Arkansas' compulsory school attendance law.

Attendance at a private or parochial school is legally distinct from receiving instruction in a home school (CSA statute). [Ark. Code § 6-18-201](#). But the terms "private school" and "parochial school" are not specifically defined in the Arkansas statutes for purposes of a child's school attendance. This means that there is not a clear set of requirements in the law that establish what is necessary to start a private school.

In 1984, the Arkansas Supreme Court held that a homeschool program did not meet the definition of a private school for purposes of compliance with Arkansas' compulsory school attendance law. The Court reasoned that the common understanding of parents sending a child to school "connotes an institution to which a child is sent," and the homeschooling parents' educational methods did not constitute a "school within the common understanding of the word." [Burrow v. State, 282 Ark. 479, 669 S.W.2d 441 \(Ark. 1984\)](#).

The language of the state's compulsory school attendance statute has since been changed to include an option to homeschool and to require parents to "enroll" and "ensure attendance at" a private or parochial school rather than "send" them to school. This broader language suggests that a private or parochial school may include a broad range of educational settings.

Arkansas private and parochial schools are not required to seek accreditation, licensure, or advanced approval to provide lawful instruction.

Still, there are some considerations that education entrepreneurs ought to keep in mind when starting a private school.

- Enrollment of children from more than one family unit helps distinguish a private school from a homeschool program. An educational program provided by a parent for their own child meets the definition of a home school in the statute. Considering Arkansas case law previously rejecting such an arrangement as a private school, private schools would do well to enroll students from multiple family units.
- The Arkansas Department of Education collects student enrollment information through its Statewide Information System (SIS). While there is no express requirement to provide this attendance information to operate a private or parochial school, it may be a requirement to receive state funding or other assistance (such as special education services).
- Incorporation as an educational institution, while not required, may help establish a private or parochial school as an institution contemplated by the state's compulsory school attendance law.

Accreditation is not required, but private schools may wish to seek accreditation through the Arkansas Nonpublic School Accrediting Association. Seeking accreditation could reasonably be considered verification that the ULE is a private school for purposes of complying with Arkansas' compulsory school attendance law. But this alone would not necessarily be determinative that a private or parochial school exists.

4. Home School

Providing a home school for a child is one way of complying with the compulsory school attendance law.

A "home school" is defined by state law as "a school provided by a parent or legal guardian for his or her own child." Ark. Code § 6-15-501. This may include a ULE.

A ULE may consist of several children from different families participating in educational activities provided each child's parent has enrolled the child in a home school or private school that complies with state law.

To provide a home school, a parent/guardian must notify the local public school superintendent in writing of their intent to home school each school year on or before August 15 or five (5) days prior to withdrawing the child from public school and then before August 15 the following school year. Ark. Code § 6-15-503(a)(1).

The notice of intent to home school must include the following:

- The name, sex, date of birth, grade level, and name and address of the school last attended, if any, of each student involved;
- The mailing address and telephone number of the home school;
- The name of the parent or legal guardian providing the home school;
- A statement of plans to participate during the school year in public school interscholastic activities (but failure to provide this information does not preclude the student from participating in public school interscholastic activities);
- A statement of plans to seek a high school equivalency diploma during the current school year; and
- The signature of the parent or legal guardian.

The information is confidential and may only be used for statistical and recordkeeping purposes as required by law. Ark. Code § 6-15-503(a)(3).

No additional information may be required for a student to attend a home school. Ark. Code § 6-15-503(e).

A. Restrictions on When Homeschooling May Begin

To provide a home school, a parent/guardian must notify the local public school superintendent in writing of their intent to home school each school year on or before August 15 or five (5) days prior to withdrawing the child from public school and then before August 15 the following school year. Ark. Code § 6-15-503(a)(1).

B. Restrictions on Who May Begin Homeschooling

If a child is under current, ongoing disciplinary action in the public school or is living with a registered sex offender, special permission must be obtained to home school.

No public school student shall be eligible for enrollment in a home school if the student is currently under disciplinary action for violation of any written school policy (including excessive unexcused absences) unless (1) the superintendent or school board allows the child to enroll in a home school, (2) the disciplinary action has been completed or the semester has ended, or (3) the student has been expelled. Ark. Code § 6-15-503(d).

Home School Legal Defense Association (HSLDA) has opined that this restriction is unconstitutional and, thus, unenforceable because it acts as a prior restraint on a parent's constitutional right to education their child at home. The constitutionality of this restriction, however, has not been tested in court in Arkansas.

No child may be home schooled if there is a registered sex offender living in the child's home unless the restriction is specifically waived by the court. Ark. Code § 6-15-508.

5. Violations of Compulsory School Attendance Requirements

Failure to follow Arkansas' compulsory school attendance law may result in criminal or civil action.

When a student exceeds the number of unexcused absences provided for in the district's student attendance policy, or when a student has violated the conditions of an agreement granting special arrangements, the school district shall notify the prosecuting authority, and the student's parent/guardian shall be subject to a civil penalty through a family in need of services action in circuit court not to exceed five hundred dollars (\$500) plus costs of court and any reasonable fees assessed by the court. Ark. Code § 6-18-222(a)(5).

Arkansas' definition of "neglect" includes the following: "Failure to ensure a child between six (6) years of age and seventeen (17) years of age is enrolled in school or is being legally homeschooled." Ark. Code § 12-18-103. So civil action and investigation by the Arkansas' Division of Children & Family Services is also a possibility.

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